

Firstly, the Examiner has requested that all trademarks be capitalized and be accompanied by the generic terminology. By the above amendments to the specification, Applicant has capitalized the trademark and accompanied it by its generic terminology.

The Examiner has also objected to the disclosure and pointed out a certain informality at page 5. Applicant has amended the page 5 where indicated and respectfully requests that the Examiner withdraw his objection.

The Examiner has rejected the Claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite. In view of the amendments to the Claim 2, Applicant respectfully submits that the Claim 2 now complies with the requirements under 35 U.S.C. 112, second paragraph.

The Examiner has rejected the Claims 1 and 2 under 35 U.S.C. 103 as being obvious over Tokiwa et al. alone or in view of Moriya et al., stating that Tokiwa et al. teaches in column 2, lines 56-58 and Claims 1-3 a biodegradable molding material comprising 30-70 volume % of a biodegradable resin, 10-70 volume % of a naturally occurring high molecular weight substance and 0-45 volume % of a filler, and it is shown that a naturally occurring high molecular weight substance could be pulp powder or powdery cellulose; Moriya et al. at column 5, lines 10-12 shows that powder paper obtained by pulverizing paper or pulp is a well-known cellulose source; and in the alternative, it would have been obvious to use paper powder as the powdery cellulose source in Tokiwa et al. in view of Moriya et al.

In reply to the rejection, Applicant has carefully reviewed Tokiwa et al., and respectfully submits that Tokiwa et al. does disclose a mixture of 10-70 volume % of a natural high molecular weight substance, 30-70 volume % of a thermal plastic resin, and 0-45 volume % of a filler, wherein the thermal plastic resin can comprise either a biodecomposable resin alone or together with a non-biodecomposable resin, whereas Applicant's invention is a material which comprises 51-70 weight % powder paper and 30-49 weight % biodegradable aliphatic polyester

resin. Applicant respectfully submits that the volume percentages of Tokiwa et al. are quite different from the weight percentages since volume and weight are quite different measures, and it is quite easy for something to comprise 70% of a mixture by volume and only be 10% of the mixture by weight.

Still further, Applicant's review of Tokiwa et al. indicates that the natural high molecular weight substances do include pulp powder and powdery cellulose. However, Applicant respectfully submits that neither term is defined, and particularly it is unknown what the "pulp" is. As to the powdery cellulose, Applicant respectfully submits that cellulose is a fibrous material forming the walls of the cells of all plants and is one component in the manufacturing of paper. In addition, cellulose is a component in the manufacture of artificial soap, lacquers, and other films, and pure cellulose is obtained by treating the plant fiber with acids or alkalies to remove all other organic and inorganic matter. Accordingly, Applicant respectfully submits that the term "powdery cellulose" is not powder paper.

Looking next at Moriya et al., Moriya et al. discloses a process for preparing alkanolamine, a catalyst. Applicant has particularly reviewed column 5, lines 10-12, and the other lines in column 5 associated therewith, and respectfully submits that Moriya et al. does not teach that which the Examiner suggests it does. In particular, column 5, lines 3-10 state that water insoluble organic compounds are used in the production of this catalyst, and these organic compounds must have certain properties. These properties are that they are hygroscopic, a fine powder, and can be burned and removed by high temperature treatment. A particular material suggested for this is crystalline cellulose. Applicant respectfully submits that crystalline cellulose is a form of cellulose having a crystal structure. Such a crystal structure, Applicant respectfully submits, does not come ordinary paper. Still further, as the source of this crystalline cellulose, Moriya et al. suggests pulverizing filter paper. Applicant respectfully submits that

filter paper consists of pure cellulose which has been treated with acids to remove all inorganic and organic substances except for the cellulose. Accordingly, Applicant respectfully submits that filter paper is in fact merely cellulose material with nothing else. Accordingly, Applicant respectfully submits that pulverizing filter paper does not suggest the utilization of powder paper.

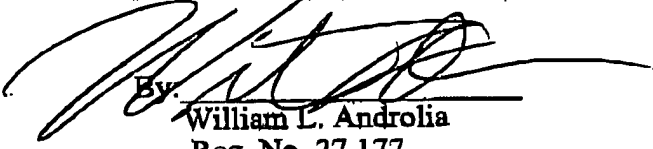
In view of the above, therefore, Applicant respectfully submits that the Claims 1 and 2 are not obvious over Tokiwa et al. alone or in view of Moriya et al.

Applicant also acknowledges the Notice of Draftsperson's Patent Drawing Review and will submit formal drawings upon a Notice of Allowance correcting the matters set forth in the Notice.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,  
KODA & ANDROLIA

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